



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Ordinance No. 1618 Entitled, "An Ordinance of the City of Lodi Amending Lodi Municipal Code Section 9.04.010 by Adding Thereto Subparagraph [C], Allowing the Sale, Possession or Consumption of Alcoholic Beverages on Designated Areas Upon Public Rights-Of-Way"

**MEETING DATE:** May 3, 1995

**PREPARED BY:** City Clerk

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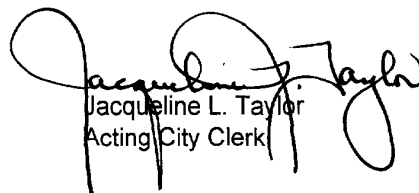
**RECOMMENDED ACTION:** Following reading by title, it would be appropriate for the City Council to adopt Ordinance No. 1618.

**BACKGROUND INFORMATION:** Ordinance No. 1618 entitled, "An Ordinance of the City of Lodi Amending Lodi Municipal Code Section 9.04.010 by Adding Thereto Subparagraph [C], Allowing the Sale, Possession or Consumption of Alcoholic Beverages on Designated Areas Upon Public Rights-Of-Way" was introduced at the regular City Council meeting of May 3, 1995.

Pursuant to State statute, ordinances may be adopted five days after their introductions following reading by title.

This Ordinance has been approved as to form by the City Attorney.

**FUNDING:** None required.

  
Jacqueline L. Taylor  
Acting City Clerk

Attachment

APPROVED: \_\_\_\_\_

THOMAS A. PETERSON  
City Manager

ORDINANCE NO. 1618

AN ORDINANCE OF THE CITY OF LODI AMENDING  
LODI MUNICIPAL CODE §9.04.010 BY ADDING THERETO  
SUBPARAGRAPH [C], ALLOWING THE SALE, POSSESSION OR  
CONSUMPTION OF ALCOHOLIC BEVERAGES ON DESIGNATED  
AREAS UPON PUBLIC RIGHTS-OF-WAY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS  
FOLLOWS:

SECTION 1. Lodi Municipal Code Section 9.04.010 - Alcoholic Beverage - Open

Container in Public - is hereby amended to include Section "C" as follows:

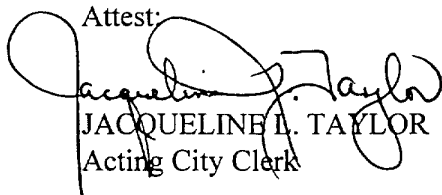
- C. Nothing in this section shall prohibit the sale, possession or consumption of alcoholic beverages on a public right-of-way, provided that all the following conditions are met:
1. A valid right-of-way encroachment permit for such premises has been obtained from the Public Works Director;
  2. The location upon which such Alcoholic Beverages are to be sold, consumed or possessed is adjacent to and operated as part of a bona fide eating establishment;
  3. The premises are appropriately licensed by the State of California for such sale of alcoholic beverages;
  4. The area of the public right-of-way upon which such alcoholic beverages are to be sold, possessed or consumed is completely surrounded by a fence or enclosure at least three feet (3') high and not directly accessible (with the exception of emergency exits or gates from the surrounding public sidewalk or right-of-way).

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 17th day of May, 1995

  
STEPHEN J. MANN  
Mayor

Attest:  
  
JACQUELINE L. TAYLOR  
Acting City Clerk

State of California  
County of San Joaquin, ss.

I, Jacqueline L. Taylor, Acting City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1618 was introduced at a regular meeting of the City Council of the City of Lodi held May 3, 1995 and was thereafter passed and adopted and ordered to print at a regular meeting of said Council held May 17, 1995 by the following vote:

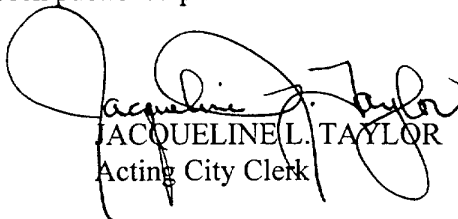
AYES: Councilmembers - Davenport, Pennino, Sieglock, Warner and  
Mann (Mayor)

NOES: Councilmembers - None

ABSENT: Councilmembers - None

ABSENT: Councilmembers - None

I further certify that Ordinance No. 1618 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
JACQUELINE L. TAYLOR  
Acting City Clerk

Approved as to Form:

  
BOB W. McNATT  
City Attorney